

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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USGEN NEW ENGLAND, INC., a subsidiary  
of NATIONAL ENERGY & GAS & GAS  
TRANSMISSION, INC. f/k/a PG&E  
NATIONAL ENERGY GROUP, INC.,

Plaintiff,

v.

BENTLY NEVADA, LLC f/k/a BENTLY  
NEVADA CORPORATION, LLC; AND  
BENTLY PRESSURIZED BEARING  
COMPANY f/k/a BENTLY NEVADA  
CORPORATION,

Defendants.  
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Civil Action No. 04 CV 12629 RWZ

JOINT STATEMENT PURSUANT TO  
EXPENSE AND DELAY REDUCTION PLAN

The parties have conferred as required by Fed. R. Civ. P. 26(f), and they propose the following discovery plan, pursuant to Rule 26(f) and Rule 16.1(D) of the Local Rules and this Court's January 13, 2005 Notice of Scheduling Conference:

I. Introduction

USGEN New England, Inc. ("USGEN") filed Plaintiff's Original Complaint (the "Complaint") in Essex Superior Court on November 6, 2004. By way of the complaint, USGEN seeks recovery for damages suffered as a result of defective services provided by the defendants. The Defendants maintain that Bently Nevada LLC (the "LLC") has been misjoined as a party; that the parts and services provided by Bently Pressurized Bearing Co., f/k/a Bently Nevada

Corporation (“Bently Nevada”) were not defective; and that in any event, USGEN is not entitled to consequential damages, which are prohibited by contract. The Defendants removed the State Court Action to this Court in December 2004. USGEN has filed a motion to remand this action to state court, which the Defendants opposed.

II. Agenda for Scheduling Conference

- A. Discuss Motion for Remand/Misjoinder of the defendant LLC;
- B. Discuss discovery schedule and pretrial motions;
- C. Discuss mediation and settlement; and
- D. Discuss timing for pretrial memoranda.

III. Pretrial Schedule

The parties agree to the Discovery Event Limitations set forth in Local Rule 26.1(C), and further agree to the following discovery schedule:

A. <u>Discovery Events</u>	<u>Time for Completion</u>
Initial Disclosures served	March 14, 2005
All fact discovery completed	September 16, 2005
All expert discovery completed	December 30, 2005
B. <u>Pretrial Motions</u>	
Motions for summary judgment and/or other dispositive motions filed and served	February 17, 2006
Final hearing on motion(s)	On or after April 1, 2006
C. <u>Final Pretrial Conference and Trial Dates</u>	
Final Pretrial Conference	On or after May 1, 2006
Trial date	On or after June 1, 2006

IV. Other Matters

- A. The parties are open to the possibility of submitting this action to alternative dispute resolution, including mediation.
- B. The parties do not consent to trial by a Magistrate Judge.
- C. Certifications, pursuant to Local Rule 16.1(D)(3), signed by counsel and by authorized representatives of each party, will be submitted separately to the Court.

Dated: February 4, 2005.

Respectfully submitted,

BENTLY NEVADA, LLC and  
BENTLY PRESSURIZED BEARING CO.,

USGEN NEW ENGLAND, INC.,

By their attorneys,

By its attorney

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